



Order Filed on April 16, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

HLADIK, ONORATO & FEDERMAN, LLP

Stephen M. Hladik, Esquire

Attorney for Movant

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Attorneys for CARVANA, LLC

In Re:

RHONDISE WILEY

Case No: 17-32344-KCF

Hearing Date: TBD

Chapter: 13

Judge: KATHRYN C. FERGUSON

Recommended Local Form: ☐ Followed ☒ Modified

ORDER RESOLVING MOTION TO VACATE STAY

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: April 16, 2018


Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

Applicant: CARVANA, LLC
Applicant's Counsel: Stephen M. Hladik, Esquire
Debtor's Counsel: Andrew Thomas Archer, Esquire
Property Involved ("Collateral"): 2014 ACURA ILX, VIN #19VDW1F3XEE001285
Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 5 months, from 12/07/2018 to 04/07/2018.
- ☒ The Debtor is overdue for 5 payment at \$527.00 per month.
- ☐ The Debtor is overdue for payments at per month.
- ☒ The Debtor is assessed for 4 late charges at \$5.00 per month.
- ☒ The Debtor is assessed \$30.00 for NSF Fees incurred post-petition.
- ☒ Applicant acknowledges funds in the amount of \$400.00 in Debtor's suspense.

Total Arrearages Due: \$2,285.00.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$600.00. Payment shall be made no later than 04/30/2018.
- ☒ Beginning on 05/07/2018, regular monthly mortgage payments shall continue to be made in the amount of \$ 527.00.
- ☐ Beginning on , additional monthly cure payments shall be made in the amount of \$ for months.

☒ The amount of \$1,685.00 shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$ _____ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

Carvana LLC

P.O. Box 29018

Phoenix, AZ 85038

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, or the instant Bankruptcy case converts to a Chapter 7, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☒ The Debtor will tender the immediate payment by way of Certified Funds. All future monthly payments will also be tendered in Certified funds.

☒ The Debtor will provide proof of insurance to Movant by 04/30/2018.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorney's fees of \$_____, and costs of \$_____.


The fees and costs are payable:

☐ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☒ Attorney's fees are not awarded.

/s/ Stephen M. Hladik
Stephen M. Hladik, Esquire
Attorney for Movant
Hladik, Onorato & Federman, LLP

/s/ 
Andrew Thomas Archer, Esquire
Attorney for Debtor